

the things at the top of the list with our local law enforcement, with Texas DPS, with our Border Patrol. Those are the things that they say: These could be done right now. Go back to building that wall; go back to "Remain in Mexico"; stop this catch-and-release; and abide by title 42.

Today, President Biden, who hasn't been to the border, should go and say: You know what? This Nation is a sovereign nation; we are going to protect this Nation; we are going to protect our citizens; and, therefore, we are going to take these measures because the Border Patrol says this is what works.

The time for treating these policies like political footballs has come to an end. The border crisis doesn't exist in a bubble, and it doesn't just exist at the southern border. What we are seeing along that border is loss of life and loss of livelihoods, and it is happening on a daily basis.

How would you feel? How would you feel if they were running across your crops? How would you feel if they were on your ranch? Think about that one.

It is clear by now that the White House values their "woke" talking points, but there is nothing "woke" about the death and destruction we are seeing tear through this border. There is nothing "woke" about allowing the cartels to overwhelm law enforcement and leave innocent people entrapped by those cartels to die in the desert. There is nothing "woke" about allowing a crisis to fester to make the political case for open borders.

Until President Biden and the Democrats prioritize safety and secure the border they abandoned on the day that they took power and control, every town—every town in this country will be a border town, and every State will be a border State; every community will exist under the threat of cartel violence, and every person in America will bear witness to the desperation and loss of life that their President has seen fit to ignore.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

REMEMBERING EARL OLD PERSON

Mr. TESTER. Madam President, thank you for the recognition.

I want to share a few words this afternoon to honor an incredible leader, somebody who is well known to the State of Montana and certainly well known to Indian Country, throughout this country, a personal friend of mine who passed away last week.

The person's name is Chief Earl Old Person of the Blackfeet Nation. He served 56 years as a Tribal councilman. He passed away last Wednesday, October 13, at the age of 92. He was the longest serving elected Tribal official in the United States when he passed. He was a keeper of Tribal history, a tireless advocate, and, for many, he was a national voice for the challenges in Indian Country.

Chief Old Person was born in 1929. He grew up on the Blackfeet Reservation,

where he embraced Tribal culture and, at a young age, performed traditional Blackfeet song and dance across the State and the Nation as an ambassador for the Blackfeet. He even traveled to Paris to represent Indian Country as the only Indian Boy Scout at the World Boy Scout Jamboree in 1947.

It was clear that leadership was in his bones, and in 1954 he was elected to his first term as a Tribal council member, and he became the Tribal council chairman only 10 years later.

Chief Old Person went on to serve as President of the National Congress of American Indians. He played an integral part in creating the Nation's first tribally owned bank, helping to earn him the honor of being named Outstanding Indian of the Year by the Chicago Indian Council.

In 1978, Earl Old Person became Chief Earl Old Person, a title that he would hold with honor until his passing last Wednesday. In his role as chief, he would not only represent the Blackfeet Tribe but all Tribal nations in Montana and on the Governor's task force on Indian affairs and as the chairman of the Affiliated Tribes of Northwest Indians.

He met with every U.S. President from Truman to Obama and had joined the British royal family and Canadian Prime Minister Pierre Trudeau for the Commonwealth Games in 1978. Wherever he went, he was pushing for progress.

There are too many honors and awards for me to name, but Chief Old Person's impact goes far beyond his accolades. He was a wise leader, a world-class orator, and I have heard stories of his words that brought folks to tears.

His shoes will never be filled, but the fact that we had the opportunity to see his leadership in action gives us the roadmap for a brighter future. He will sorely be missed by the Blackfeet Nation, by the State of Montana, by Indian Country across this country, and by my wife Sharla and I as well as countless others who knew him.

This world is a better place because of Chief Old Person and the work that he did. He will never be replaced.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gustavo A. Gelpi, of Puerto Rico, to be United States Circuit Judge for the First Circuit.

VOTE ON GELPI NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Gelpi nomination?

Mr. TESTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Ms. SINEMA) and the Senator from New Mexico (Mr. LUJÁN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from South Dakota (Mr. ROUNDS), the Senator from Florida (Mr. RUBIO), the Senator from Nebraska (Mr. SASSE), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "aye."

The result was announced—yeas 51, nays 42, as follows:

[Rollcall Vote No. 414 Ex.]

YEAS—51

| | | |
|--------------|--------------|------------|
| Baldwin | Hassan | Padilla |
| Bennet | Heinrich | Peters |
| Blumenthal | Hickenlooper | Reed |
| Booker | Hirono | Rosen |
| Brown | Kaine | Sanders |
| Cantwell | Kelly | Schatz |
| Cardin | King | Schumer |
| Carper | Klobuchar | Shaheen |
| Casey | Leahy | Smith |
| Collins | Manchin | Stabenow |
| Coons | Markey | Tester |
| Cortez Masto | Menendez | Van Hollen |
| Duckworth | Merkley | Warner |
| Durbin | Murkowski | Warnock |
| Feinstein | Murphy | Warren |
| Gillibrand | Murray | Whitehouse |
| Graham | Ossoff | Wyden |

NAYS—42

| | | |
|-----------|------------|------------|
| Barrasso | Fischer | Moran |
| Blackburn | Grassley | Paul |
| Boozman | Hagerty | Portman |
| Braun | Hawley | Risch |
| Burr | Hoeben | Romney |
| Capito | Hyde-Smith | Scott (FL) |
| Cassidy | Inhofe | Scott (SC) |
| Cornyn | Johnson | Shelby |
| Cotton | Kennedy | Sullivan |
| Cramer | Lankford | Thune |
| Crapo | Lee | Toomey |
| Cruz | Lummis | Tuberville |
| Daines | Marshall | Wicker |
| Ernst | McConnell | Young |

NOT VOTING—7

| | | |
|--------|--------|--------|
| Blunt | Rubio | Tillis |
| Lujan | Sasse | |
| Rounds | Sinema | |

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Florida.

CHANGE OF VOTE

Mr. SCOTT of Florida. Madam President, on rollcall vote No. 414, I voted no. It was my intention to vote aye; therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order,